

KENTUCKY DEPARTMENT OF EDUCATION

STAFF NOTE

Action/Discussion Item:

702 KAR 5:080 – Bus drivers' qualifications, responsibilities and training (Final)

Applicable Statute or Regulation:

KRS 156.160; KRS189.540; 49 CFR 382.101-605

Action Question:

Should the Kentucky Board of Education (KBE) give final approval to 702 KAR 5:080?

History/Background:

Existing Policy. Pursuant to the above statutes, the Kentucky Board of Education promulgated this regulation to provide guidance to local school districts relating to transportation of children to and from school and relating to medical inspections and other matters deemed relevant to the protection of the physical welfare and safety of public school children. This regulation also governs the design and operation of school buses and establishes the qualifications and responsibilities of the school bus driver.

Recently some districts have requested a waiver from the Section 14, which prohibits live animals from being transported on the bus. The KBE granted the waivers so that assistance or service animals may be transported. At its February 2005 meeting, the KBE requested that this regulation be amended to exempt service animals and requested that the amendment be brought before them at the April meeting. The amendment to this regulation stipulates that the service animal may ride the bus if that animal is not a risk to other children and adequate medical evidence or the student's Individual Education Plan documents the need for such assistance.

The Kentucky Board of Education reviewed this proposed amendment at the April 2005 board meeting and made no changes.

Policy Issue(s) and Options:

The regulation would be amended as follows:

Page 9 – Lines 16-18 – add "except for an animal that is not a risk to other bus riders and is to enable one to safely utilize the bus transportation, as documented by adequate medical evidence or a student's Individual Education Plan."

Staff Recommendation(s) and Rationale(s):

Staff recommends approval of the amended regulation, which will eliminate the need for districts to request from the KBE a waiver to allow a service animal to be transported on a bus.

Groups Consulted and Brief Summary of Responses:

It will be going to the Local Superintendents Advisory Council prior to the meeting. They will send a letter to the KBE that provides their advice.

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Deputy Commissioner

Commissioner of Education

Date:

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